

## **MINUTES**

### **PROPERTY AND RIGHT-OF-WAY COMMITTEE MEETING THURSDAY, SEPTEMBER 15, 2005 10:00 A.M. CITY HALL 8<sup>TH</sup> FLOOR – COMMISSION CONFERENCE ROOM**

#### **Members Present:**

Mehrdad "Mike" Fayyaz, Assistant City Engineer, Acting Chairman  
Tony Irvine, City Surveyor  
Bob Dunckel, Assistant City Attorney  
Kathy Connor, Parks Supervisor,  
Julie Leonard, Assistant Utilities Services Director  
Tom Terrell, Public Works Maintenance Manager

#### **Staff Present:**

Victor Volpi, Senior Real Estate Officer  
Ed Udvardy, Manager of General Services  
Judy Johnson, Administrative Assistant I  
Craig Canning, Water Facilities Manager  
Eileen Furedi, Clerk II  
Rafeela Persaud, Word Processing Secretary

#### **Guests Present:**

David Schupp  
Stewart Pearlman  
Rod Levy  
Stephen Draft  
Julis Burns  
Nectaria Chakas  
Eric Thorne  
Sadra McGee  
Brooke Berkowitz  
Manny Fernandez  
Scott McLaughlin

Mehrdad "Mike" Fayyaz called the meeting at 10:10 A.M. and stated that this is a Committee with the responsibility of advising the City Manager and City Commission on matters connected with City property.

**ITEM ONE:**                    **APPROVAL OF AUGUST 18, 2005 MINUTES**

**MOTION BY JULIE LEONARD TO APPROVE MINUTES. SECONDED BY KATHY CONNOR.  
MOTION PASSED UNANIMOUSLY.**

**ITEM TWO:**                    **VACATION OF WALK RESERVATION**

Address or General Location: 708 NE 17 Road

Victor Volpi introduced item stating Mr. Quaranto would like a positive recommendation to vacate a walk reservation in Victoria Courts, as shown on Exhibit A. He stated the property has been built over, is not needed by the City or wanted by the neighborhood as a walkway or utility easement. Victor Volpi introduced Stephen Draft.

Mr. Draft stated he has a letter of support from the Civic Association. Victor Volpi explained the property was originally platted with walkways and has water mains located within some of the walkways. He said one walkway (walk reservation) was vacated at the recommendation of the PROW Committee. Mike Fayyaz clarified there was a plat designated as a park in the middle of the block.

Mr. Draft said there were two different plat plans, one from 1926, which the Committee had, and a plat plan from the 1940's. Mr. Draft explained that the walkway between 17<sup>th</sup> Avenue and 17<sup>th</sup> Road was a concrete sidewalk that was constructed on the narrow street, and between 17<sup>th</sup> Road and 17<sup>th</sup> Terrace, roads were paved, the walkway was never constructed and fences were placed in the walkway reservation. Julie Leonard said there were 2-inch water service lines in the rear of the properties.

Discussion followed regarding utilities and areas being serviced by utilities, the park-like area on the plat being 9-feet in width and approximately 50-feet in length, vacating the entire area and retaining an easement, moving the water line to 17<sup>th</sup> Terrace, abandon the walkways and relocate services to the front, prior issues of having access to the pipes and meters, informing residents of relocating the lines and costs, City upgrades of the 2-inch water lines, structures being built on retained easement, and the motion made at the June 17, 2004 to recommend the partial vacation of a portion of the utility line.

Bob Dunckel stated he had a discussion with Harry Stewart regarding this item and if the PROW Committee agreed to the vacation, the entire area should be vacated.

Tony Irvine said due the problems with the pipes and landscaping in the area, the City has a responsibility to not ignore the impact on utilities when vacating areas. Mike Fayyaz suggested for the applicant to wait until the pipes have been upgraded and then look at vacating the entire area. Mr. Draft asked about a projected timeline. Mike Fayyaz said Mr. Draft should contact the Utilities Department.

Bob Dunckel said as part of the City upgrade program, the lines would be relocated and a utility easement does not need to be retained after relocation.

**MOTION BY BOB DUNCKEL TO RECOMMEND APPROVAL AS REQUESTED BUT NO ACTION BE TAKEN UNTIL AFTER THE RELOCATION OF LINES BY THE CITY, AND AS PART OF THE PROCESS, ALL ABUTTING PROPERTY OWNERS BE NOTIFIED ABOUT THE CHANGING OF METERS. SECONDED BY TOM TERRELL.**

Tony Irvine asked if the City should pursue abandonment of all easements not needed after the relocation of the utilities. Bob Dunckel suggested the Homeowners Association apply for the vacation (after the relocation) in regards to the \$3,000 fee. Mike Fayyaz said that Planning and Zoning has waived the fee in the past for the Homeowners Association.

Bob Dunckel questioned if the application was for Court 3. After discussion, it was agreed that it was for Court 2 existed as an easement, and Court 3 existed as a walkway.

**MOTION AMENDED BY BOB DUNCKEL FOR THE VACATION TO INCLUDE ANYTHING WITHIN THE PROPOSED AREA THAT WAS NOT VACATED. SECONDED BY TOM TERRELL.**

**MOTION PASSED UNANIMOUSLY.**

**ITEM THREE:                      VACATION OF ALLEY**

Address or General Location: between SE 17 Street and SE 18 Street, east of Federal Highway

Victor Volpi introduced item stating Robert Williamson would like a positive recommendation to vacate a portion of the alley that is just south of SE 17 Street at Federal Highway. He said they intend to dedicate an ingress/egress utility easement across the new parking lot for public access. Victor Volpi introduced Nectaria Chakas.

Ms. Chakas introduced Rod Ley from Kimley Horn and Manny Fernandez from Cedarwood Development. Ms. Chakas explained that they are seeking to vacate a portion of the alley that currently has access off of 17<sup>th</sup> Street, and then makes a right hand turn into an alley that eventually exits onto Federal Highway. Ms. Chakas explained the traffic patterns within the area. Ms. Chakas said they are proposing to place a CVS Pharmacy on top of the alley and are now seeking to vacate the alley. Ms. Chakas said in the alternative and not to have a dead end alley, they are proposing an ingress/egress easement, and would relocate any utilities currently in the alley.

Discussion followed as to the width, vehicles making 90-degree turns, access to the alley, to widen the easement in order to accommodate larger trucks, and to increase the radius of the alley.

**MOTION BY BOB DUNCKEL TO RECOMMEND APPROVAL OF VACATION, SUBJECT TO SLIDING THE REDEDICATED ALLEY FURTHER TO THE EAST WITH SUFFICIENT TURNING RADIUS TO EXIT TO 17<sup>TH</sup> STREET. SECONDED BY TONY IRVINE.**

Julie Leonard said there were no water lines in the alley but there might be a pump station. Manny Fernandez said Miami Subs Restaurant had received a letter stating that they would have to connect to the City sanitary.

**MOTION PASSED UNANIMOUSLY.**

**ITEM FOUR:**                      **VACATION OF ALLEY, 713 SE 12 COURT**

Address or General Location: 713 SE 12 Court

Victor Volpi introduced item stating Lakeridge Development LLC would like a positive recommendation to vacate the alley between SE 12 Street and SE 12 Court, just east of Miami Road. He said they intend to construct townhouses to the east of this alley and would like a more unified development. He stated the alley that runs east of this alley had already been vacated and the City does not have any utilities there. Victor Volpi introduced Stewart Pearlman.

Mr. Pearlman said that they are proposing to vacate the alley that was currently blocked by a FPL power pole and a structure that was built across the alley. Mr. Pearlman said vacation agreements were obtained from the utility companies in which they all agreed to the vacation and to accept an utility easement in order to gain access to the power pole.

Bob Dunckel asked about ownership of the properties to the north. Mr. Pearlman stated Lakeridge own lots 16 through 19, and 27 through 29. Bob Dunckel asked if the properties to the east rely on the alley. Mr. Pearlman said the alley was already vacated.

Tony Irvine questioned if the property owners fronting Miami Road were contacted. Mr. Pearlman explained that most of the owners were contacted and were in agreement except to the owner of lots 20, 21, and 22, who had built into the alleyway. Mr. Pearlman said originally, the alleyway was designed to use for access and due to the power pole in the alleyway, the site plans were redesigned in order for access to cross the alleyway.

**MOTION BY TONY IRVINE TO RECOMMEND VACATION OF THE ALLEY, AS REQUESTED PROVIDED THAT ALL UTILITIES BE RELOCATED OR APPROPRIATE EASEMENTS BE RETAINED FOR PROTECTION. SECONDED BY JULIE LEONARD.**

Tom Terrell said he has concerns about lots 20, 21, and 22. Kathy Connor said that the owner for lots 20, 21, and 22 would have opportunities to voice her concerns in the process. Bob Dunckel asked if lots 20 through 22 rely on the alley for services and/or convenience. Mr. Pearlman said that the alley was completely blocked; the owner of lots 20 through 22 has a patio and used it as a gathering area.

**MOTION PASSED UNANIMOUSLY.**

**ITEM FIVE:**                      **SURPLUS PROPERTY**

Address or General Location: north side of Davie Boulevard, approximately 1000 feet west of State Road 7

Victor Volpi introduced item stating the City owns vacant land off of Peters Road, outside the City limits, that has been used for well fields. He said here is a portion of that property that the Utilities Department has determined is not needed. He stated that this property has been the subject of numerous complaints regarding overgrowth, trash, vagrants, and feral cats and it is the request of Public Works that the Committee recommend the City sell (approximately) 6 acres of property to the highest bidder. Victor Volpi introduced Craig Canning.

Craig Canning explained the area surrounding the property. He said that at one time, the City dumped sludge from the Peele Dixie Water Plant into the vacant old quarry. He said in 1980, there were problems with contamination at the well field and the City decided to dump the sludge at the Peele Dixie Plant. He explained the property since then has not been used by City of Fort Lauderdale or the Water Plant – for approximately 23 years. He said there was a new membrane treatment plant that would be installed at Peele Dixie Plant and to dispose the concentrate from the plant, a 3,000-foot injection well would be constructed at the Peele Dixie plant site. Craig Canning said as the Water Facilities Manager, he saw no use for the property in the future, and it has been causing a lot of problems which included a 40-page letter (sent by a business owner) to the City Manager documenting the activities on the property which included homeless people and damages from the storm (Katrina).

Kathy Connor questioned the zoning on the property and any environmental concerns. Craig Canning said they currently have a contract with EE&G who would complete a Phase I Environmental. He explained that the sludge was a non-hazardous material. Kathy Connor asked about Phase II, known as "Bugs and Bunny Phase". Craig Canning said he was not sure to what extent the tests would be conducted beyond Phase I.

Bob Dunckel explained the resolution that the Commission adopts if property is surplus. He asked if there was any history of environmental notices from environmental agencies. Craig Canning said no. Bob Dunckel asked about title insurance/owner's policy. Victor Volpi said he has nothing on file. Bob Dunckel asked if the property, being in unincorporated Broward County, has been an object of any Broward County Code Enforcement Board Actions. Craig Canning said not to his knowledge.

Tony Irvine questioned any Volatile Organic Compound (VOC) contamination in the sludge that was dumped on the property and said there may be problems in the future due to the site being operational at one time. Mike Fayyaz said Phase I, and a limited Phase II tests should be completed. Bob Dunckel said if problems arise in Phase II, the City might not want to sell the property. Craig Canning said the sludge was compacted but no building could be constructed on site. He said 10 to 12 feet of the compacted sludge would need to be removed and replaced with clean fill in order to build upon it.

Bob Dunckel said he would prefer to table item until Phase I and Phase II tests have been completed. Tom Terrell said if there is no indication from the Committee to surplus the property, then there would be no need to complete Phases I and II tests.

**MOTION BY BOB DUNCKEL TO CONTINUE CONSIDERATION OF ITEM FOR PURSUIT OF ADDITIONAL DUE DILIGENCE IN ENVIRONMENTAL PHASE I, POSSIBLY PHASE II, WITH AN INDICATION FROM THE PROW COMMITTEE THAT THERE IS A STRONG INTEREST TO SURPLUS PROPERTY, SUBJECT TO THE RESULTS OF THE ENVIRONMENTALS. SECONDED BY KATHY CONNOR.**

**MOTION PASSED UNANIMOUSLY.**

**ITEM SIX:**                      **SURPLUS PROPERTY, DANIA FARMS**

Address or General Location: 704 N Federal Highway, Dania

ITEM WITHDRAWN

**ITEM SEVEN:**                      **LICENSE AGREEMENT**

Address or General Location: 6420 NW 9 Avenue

Victor Volpi introduced item stating that the Florida Department of Transportation (FDOT) would like a positive recommendation to grant them an agreement to construct and maintain a gravity wall along Powerline Road, around 65<sup>th</sup> Street. Victor Volpi introduced Sadira McGee, Eric Thorne, Brooke Berkowitz .

Julie Leonard clarified the exact location. Mr. Thorne said the agreement would be for the east side of Powerline Road. Mr. Thorne explained the City of Fort Lauderdale had acquired the property through a tax deed and the road is being resurfaced by FDOT, and the reason for the license agreement would be an assurance to make sure the road would not break up within the 5-year plan. Mr. Thorne explained that the gravity wall would hold the road in place and new asphalt would be placed for better traction. Mr. Thorne said the license agreement would allow FDOT to step 5-feet on City of Fort Lauderdale's property, in order to place the box and gravity wall on DOT property. Tony Irvine said it would be a standard DOT wall (4-10). Bob Dunckel asked if DOT could place limiting factors regarding the height and length of wall, into the text of the license agreement for Commission approval. Mr. Thorne suggested putting language into their agreement that there would be no improvements on City's property. Victor Volpi suggested giving the property to DOT. Mr. Thorne said initially they did not ask for the property and that could be further investigated.

**MOTION BY BOB DUNCKEL TO RECOMMEND GRANTING A LICENSE AGREEMENT WITH MODIFYING THE TEXT SO THAT NO IMPROVEMENTS WOULD BE PLACED ON THE PROPERTY OWNED BY CITY OF FORT LAUDERDALE, AND TO OPEN CONVERSATION WITH FDOT WITH RESPECT TO SURPLUSING THE PROPERTY TO THEM IN THE FUTURE. SECONDED BY TONY IRVINE.**

**MOTION PASSED UNANIMOUSLY.**

**ITEM EIGHT:**                      **VACATION OF A PORTION OF A PLATTED EASEMENT**

Address or General Location: 1533 SW 22 Avenue

Victor Volpi introduced item stating that this item was deferred from February 17, 2005 meeting. He stated Paul Lovesky/Scott McLaughlin has reviewed the concerns of Property and Right-of-Way Committee and revised the sketch and legal description of the portion of their easement to be vacated. Victor Volpi introduced Scott McLaughlin.

Mr. McLaughlin said a part of his client's house was constructed over a portion of a platted easement, of which the City was not aware of during the permitting or inspection processes. Mr. McLaughlin said

his client was aware of the problem when trying to sell the property and was told that he has to vacate the easement. Mr. McLaughlin said the first vacation of the platted easement was 6-foot on either side between lots 1 and 12, a total of 12-foot easement to be vacated. Mr. McLaughlin said he has letters of no objection from all utility companies. Mr. McLaughlin said that there was a pool deck encroachment on the rear of the property that was constructed. Mr. McLaughlin said after speaking with Paul Lovesky and Tony Irvine, it was determined that if 1-foot of existing easement was vacated, the encroachment would be minimal to the pool deck. Mr. McLaughlin said the utility companies have no objections.

Tony Irvine said if the 1-foot strip was vacated, the pool and deck would still be safe, and utility companies would still have access. Tony Irvine said this item was already in the Planning and Zoning process.

**MOTION BY TONY IRVINE TO RECOMMEND APPROVAL OF THE VACATION AS REVISED, TO INCLUDE THE ADDITIONAL 1-FOOT STRIP RUNNING PARALLEL WITH THE POOL. SECONDED BY BOB DUNCKEL.**

Bob Dunckel questioned the sketch and legal description on lots 1 and 12, and any utilities in the sideline. Mr. McLaughlin and Tony Irvine clarified Bob Dunckel's concerns between the old and new sketch and confirmed there were no utilities in the sideline.

**MOTION PASSED UNANIMOUSLY.**

**ITEM NINE:                      VACATION OF EASEMENT**

Address or General Location: 5000 N Federal Highway

Victor Volpi introduced item stating on December 20, 1963, the City acquired an easement for parking at the northeast corner of Federal Highway and Commercial Boulevard. He stated the City could only maintain this property as a parking lot until (a) "the premises are no longer used for public parking" or (b) the Grantor, his heirs or assigns, pay to the Grantee the sum of \$10,900.00. He said the present property owner (5000 N. Federal Highway, LLC) wishes to exercise this option and it did not appear the City have much choice but to reconfigure the parking and return this property. Victor Volpi said this item is up for general discussion and recommendation to vacate.

Bob Dunckel said he had conversations with Gary Glusman who is a representative from 5000 N. Federal Highway, LLC. He said the Grantor would give the City \$10,900 and in return, would receive a deed. He said this would be a reconveyance and not a vacation. He said the City does not have the responsibility to reconfigure the parking lot. He explained that the Grantor would have fee simple when the deed is reconveyed. He said conversations with Gary Glusman indicated there would be no changes in the parking area and if plans are changed in the future, he asked Mr. Glusman to inform the City. Bob Dunckel said the applicant is reliant on the parking lot and if construction was done to the parking area, a curb cut would have to be created further to the east for general public access. Tony Irvine said a curb cut could not be created on a state road.

Mike Fayyaz asked if there would be sufficient parking. Bob Dunckel said if the applicant decided to close the site for development, they would need to recalculate parking as part of the process.

Tom Terrell asked about metered parking. Bob Dunckel said Mr. Glusman informed him that there was no metered parking. Bob Dunckel said a memo was sent to John Hoezle, with no response. Kathy Connor said the City maintains the parking lot and if approved, questioned how would the City maintain half parking lot.

Discussion followed as to the ability/access to the City parking lot to the east, creating another curb cut to access the parking lot, reconfiguration of the lot, right to vacate the eastern portion, rights of the upland owner, turning over the lot to the property owner, adequate parking, and conveyance of the parcel.

Victor Volpi called John Hoezle to find out if there were meters in the parking lot. John Hoezle said there were no meters. Mike Fayyaz asked if the City has any obligations to provide parking. Bob Dunckel said he would assume that the balance of parking area was acquired through easement deeds and if ever abandoned as a public parking area, it would refer to the upland owners. Bob Dunckel suggested for Victor Volpi and John Hoezle sort out title searches on the balance of the block for review on acquiring the public parking easements. Tony Irvine said the City could not effectively operate public parking because of the applicant's actions. Tony Irvine said control to the curb cut would be lost.

**MOTION BY BOB DUNCKEL TO RECOMMEND ACCEPTANCE OF THE \$10,900.00 AND RECONVEY THE PUBLIC PARKING EASEMENT TO 5000 N. FEDERAL HIGHWAY, LLC. SECONDED BY TOM TERRELL. MOTION PASSED UNANIMOUSLY.**

**MOTION BY BOB DUNCKEL FOR VICTOR VOLPI TO PULL ALL PUBLIC PARKING EASEMENT DEEDS EAST OF PROPERTY IN QUESTION FOR COMMITTEE TO REVIEW AND DISCUSS FUTURE COURSE OF ACTION FOR THE PARKING AREA TO THE EAST. SECONDED BY TONY IRVINE.**

Bob Dunckel suggested John Hoezle attend the meeting.

**MOTION PASSED UNANIMOUSLY.**

Meeting adjourned at 11:40 a.m.